

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA

* CASE NO. 5:18CR155

Plaintiff

*

-vs-

* JUDGE SOLOMON OLIVER, JR.

AURELIANO LOPEZ BARAJAS

*

Defendant

* DEFENDANT'S SENTENCING

MEMORANDUM

* * *

Now comes the Defendant, Aureliano Lopez Barajas, by and through undersigned counsel, and hereby submits his Sentencing Memorandum for the Court's consideration. Defendant respectfully requests that this Court give Defendant credit for time served and permit him to be taken into the immediate custody of the Immigration and Customs Enforcement Agency (I.C.E.) so that he can be returned to his family in Mexico. Defendant submits such a sentence is consistent with the United States Sentencing Guidelines, the Presentence Investigation Report and the parties Plea Agreement. Also, the proposed sentence is sufficient, but not greater than necessary, to achieve the goals of sentencing as set out in 18 U.S.C. § 3553.

Mr. Lopez Barajas was arrested by I.C.E. on March 15, 2018, and has remained in federal custody since that time. He was indicted in this case on April 3, 2018, and has been held by the U.S. Marshal's Office since his arraignment on March 24, 2018. Mr. Lopez Barajas has pled guilty to count 1 of his indictment, Illegal Reentry, a violation of 8 U.S.C. § 1326. He pled guilty to the indictment pursuant to a plea agreement. The plea-agreement sets forth a base offense level of 8. There are no other enhancements. With Mr. Lopez Barajas' continued acceptance of responsibility, it is anticipated that the government will move for a two-level reduction for his acceptance for an adjusted offense level of 6. Mr. Lopez Barajas requests that this Court grant that motion. A Presentence Investigation Report (PSR) was prepared in this case, whose findings are consistent with the plea agreement. The PSR further states that

Defendant's criminal history category is I. The advisory guideline sentencing range is 0-6 months. The statutory maximum term of imprisonment is two years.

Mr. Lopez Barajas' adjusted offense level of 6, Criminal History Category I, places him in Zone A for sentencing pursuant to the United States Sentencing Guidelines (U.S.S.G.). In this zone a sentence of imprisonment is not required unless the applicable guidelines in Chapter Two expressly requires such a term. Mr. Lopez Barajas' guideline calculation is in accordance with U.S.S.G. §2L1.2.

At the time of sentencing Mr. Lopez Barajas will have been in custody for approximately 6 months; the high end of the recommended sentencing guideline range. Defendant wants to return to his family, which includes his three children and eight brothers and sisters. Mr. Lopez Barajas has worked during the time he has been in the United States and has been the primary support for his children. Recently his wife left the family home and the children have been living on their own. Due to the social and political strife in his hometown he is extremely concerned for the safety and care of his children. Defendant himself is fearful about returning to Mexico but is desperate to return as soon as possible to care for his children.

WHEREFORE, Mr. Lopez Barajas respectfully requests that this Court sentence him to credit for time served, which will then permit him to be taken into the custody of I.C.E., who has a detainer on him and who will detain him further until they return him to Mexico and his family.

Respectfully submitted,

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PROOF OF SERVICE

I hereby certify that on August 30, 2018, a copy of the foregoing Defendant's Sentencing Memorandum was electronically filed. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's system.

/S/ JAMES R. RANFTL

JAMES R. RANFTL
Attorney for Defendant